

AN ORDINANCE **97681**

**RELEASING A PORTION OF AN EXISTING DRAINAGE
EASEMENT LOCATED BETWEEN I.H. 35 SOUTH AND
ZARZAMORA STREET TO S.P. SAN ANTONIO PARTNERSHIP,
L.P.**

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WHEREAS, a public right of way, known as Aviation Boulevard, was originally platted as a drainage easement and never used for street purposes, but rather as a drainage channel; and

WHEREAS, an agreement was negotiated between the City, Sopark Limited Partnership ("Sopark"), the legal predecessor in title to S.P. San Antonio Partnership, L. P., and with other parties, in which Sopark contributed \$555,255.00 for necessary improvements to Six Mile Creek whereby the channel was reconstructed and reduced from 100 foot wide to 20 feet in width; and

WHEREAS, pursuant to the tenor of the agreement, once the improvements were made by Sopark Limited Partnership, the City was to release, vacate and abandon an existing 80-foot wide portion out of the original 100-foot wide existing drainage easement in exchange for said improvements; and

WHEREAS, now that the improvements have been completed as agreed, the City of San Antonio is willing to release such 80-foot portion of the easement located between I.H. 35 South and Zarzamora Street to S.P. San Antonio Partnership, L.P., the sole property owner adjacent to this right of way and as Petitioner, but the City will retain the remaining 20-foot wide portion of the drainage easement currently being used; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and the Petitioner has agreed to the conditions and/or restrictions imposed by the City Departments of Development Services, Planning, Asset Management, San Antonio Water System and City Public Service; and

WHEREAS, this action is consistent with City policy in the transfer of control of City-owned or City-controlled property no longer needed by the City; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City of San Antonio hereby releases an 80-foot wide portion out of a 100-foot wide existing drainage easement located between I.H. 35 South and Zarzamora Street to S.P. San Antonio Partnership, L.P. ("Petitioner") in exchange for necessary improvements to Six Mile Creek made by Sopark Limited Partnership, the legal

predecessor in title to S.P. San Antonio Partnership, L. P., upon receipt of satisfaction of the conditions and/or restrictions imposed upon Petitioner as referenced in SECTION 2. Such portion consists of three (3) tracts:

- (1) a 0.4314 of an acre (18,791 square feet) tract,
- (2) a 1.491 acres (64,966 square feet) tract, and
- (3) a 0.0649 of an acre (2,825 square feet) tract,

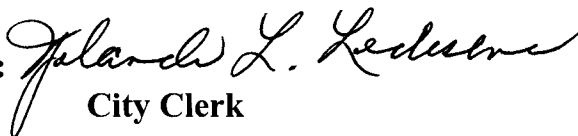
all of which are shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes, and the remaining 20-foot wide portion of the 100-foot wide existing drainage easement consisting of one tract containing 0.5063 of an acre (22,053 square feet), and shown and legally described on **Exhibit B** attached hereto and incorporated herein verbatim for all purposes.

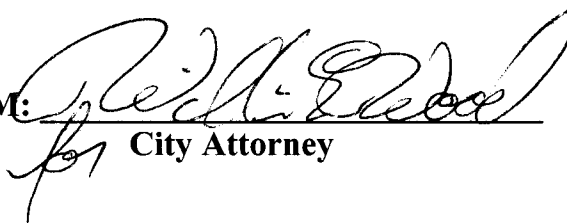
SECTION 2. The City Manager or her designee is authorized to execute and deliver a Release of a portion of a Drainage Easement, being in substantially the same form as the document attached hereto as **Exhibit C** and incorporated herein verbatim for all purposes, upon receipt of evidence that Petitioner has satisfied the conditions and/or restrictions imposed by the City Departments of Development Services, Planning, Asset Management, San Antonio Water System and City Public Service, as set forth in a Letter Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit D** and incorporated herein verbatim for all purposes.

SECTION 3. This ordinance shall take effect on the 8th day of June 2003.

PASSED AND APPROVED this the 29th day of May, 2003.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney